



U.S. Department of Justice

United States District Court
Southern District of New York86 Chambers Street
New York, New York 10007

USDC SDNY

DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 10/29/2020

October 28, 2020

VIA ECF

Hon. Analisa Torres
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: Yafai, et al. v. Cuccinelli, et al., No. 20 Civ. 2932 (AT)

Dear Judge Torres:

This Office represents the government in this action in which plaintiffs challenge the denial of their Petitions for Alien Relative (Form I-130) and Application to Adjust Status (Form I-485) by U.S. Citizenship and Immigration Services (“USCIS”). On behalf of both sides, I write respectfully to request that the Court hold in abeyance the government’s deadline to respond to the complaint, which currently is October 30, 2020, and grant the parties leave to submit a status letter on or before November 13, 2020. I also respectfully request that the initial conference currently scheduled for November 12, 2020 be adjourned *sine die*.

The parties respectfully make these requests in light of their progress towards resolving this action without further intervention from the Court. Specifically, USCIS reopened plaintiffs’ Form I-130 petitions and Form I-485 application and interviewed plaintiffs on July 23, 2020. On October 19, 2020, USCIS approved plaintiffs’ Forms I-130. And on October 20, 2020, USCIS issued a notice to the plaintiffs requesting additional information in regards to the Form I-485. A response to that notice is due January 18, 2021.

If the Court approves the parties’ requests, the parties will continue their discussions regarding a potential resolution of this case and anticipate that, in their proposed status letter, they may either request dismissal of the case or submit a proposed date for the plaintiffs to file an amended complaint.

This is the sixth request to extend the deadline to respond to the complaint and to adjourn the initial conference.¹ Plaintiffs’ counsel joins in these requests.

¹ On June 10, 2020, the government requested an extension of the deadline to respond to the complaint and to adjourn the initial conference to provide the parties with additional time to attempt to resolve this action without further intervention from the Court. *See* ECF No. 41. On June 11, 2020, this Court granted that request. *See* ECF No. 42. On July 8, 2020, the government requested another extension and adjournment in light of a July 23, 2020 interview of the plaintiffs. *See* ECF No. 44. On July 9, 2020, this Court granted that request. *See* ECF No. 45. On August

I thank the Court for its consideration of this letter.

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney

By: s/ Michael J. Byars
MICHAEL J. BYARS
Assistant United States Attorney
Telephone: (212) 637-2793
Facsimile: (212) 637-2786
E-mail: michael.byars@usdoj.gov

cc: Counsel of record (via ECF)

GRANTED in part, DENIED in part. The government shall have no obligation to answer, move against, or otherwise respond to the complaint unless ordered by the Court. By **November 13, 2020**, the parties shall file a joint status letter.

The conference scheduled for November 12, 2020, is ADJOURNED to **February 18, 2021**, at **11:20 a.m.** By **February 11, 2021**, parties shall file a joint letter and case management plan.

Dated: October 29, 2020
New York, New York



ANALISA TORRES
United States District Judge

6, 2020, the government requested another extension and adjournment because USCIS requested additional information. *See* ECF No. 46. On that same date, this Court granted that request. *See* ECF No. 47. On August 27, 2020, the government requested another extension and adjournment to provide plaintiffs with additional time to submit additional information. *See* ECF No. 48. On that same date, this Court granted that request. *See* ECF No. 49. On September 28, 2020, the government requested another extension and adjournment to provide USCIS with additional time to take action on their Forms I-130 and Form I-485. *See* ECF No. 50. On September 29, 2020, this Court granted that request. *See* ECF No. 51.